

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROOCHI TRADERS INCORPORATED,

Plaintiff,

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,
GLAMOUR (USA), INC., ALPHA
MERCHANDISING CORP., ROSE DEAL,
INC., HARYASH PAUL, MOHAMMED
RAHMAN, MOHAMMED FAROQUE, JOHN
DOES 1-10, JANE DOES 1-10, and XYZ
COMPANIES 1-10,

Defendants.

CIVIL ACTION NO. 08-cv-3544 (WHP)

DECLARATION OF STEPHEN G. WARD

I, Stephen G. Ward, hereby declare as follows:

1. I am a New York State licensed private investigator and the owner of Trademark Associates of NY, Ltd. ("TANY"), located at 61 Broadway, 18th Floor, New York, New York 10006. I have owned TANY since 2002, and I have been a licensed private investigator for 15 years. I have overseen, conducted and/or participated in approximately 300-500 trademark investigations involving counterfeit and infringing goods. I am familiar with

investigations regarding counterfeit apparel, including t-shirts, and the New York City garment industry.

2. I was recently retained by Kenyon & Kenyon LLP to investigate Haryash Paul, the owner of Tip Top Tees, Inc. ("Tip Top Tees"), which is located at 10 West 28th Street, 2nd Floor, New York, New York 10001, to determine if Tip Top Tees imported, sold, offered to sell or was selling counterfeit COTTON HERITAGE t-shirts (the "Counterfeit Products").

3. I submit this declaration in support of Plaintiff's Reply Memorandum of Law in further support of Plaintiff's Motion for an Order to Show Cause for a Preliminary Injunction. The facts stated herein are based on my personal knowledge, review of public records, and/or facts told to me that I believe to be true. If called to testify regarding same, I could do so competently. I have personal knowledge of the investigation of the Counterfeit Products, Mr. Paul, Tip Top Tees and its related entities.

4. On April 17, 2008, Plaintiff's counsel and investigators, along with a New York City police officer, entered Tip Top Tees, Inc.'s location at 10 West 28th Street. The investigator gave the owner, identified as Haryash Paul, the Seizure Order, explaining that we believed that he was selling counterfeit COTTON HERITAGE t-shirts and were authorized by the Seizure Order to search the premises for such goods and any records related thereto.

5. Although Mr. Paul stated to the investigator and others present that he did not have any COTTON HERITAGE t-shirts, Plaintiff's counsel and the investigators located sixteen (16) boxes of counterfeit COTTON HERITAGE t-shirts, in white boxes displaying "ROSE DEAL COTTON-TEE U.S.A.," totaling 90 dozen t-shirts. The name COTTON

HERITAGE on the side of the box had been covered by a white sticker on each box. Mr. Paul stated in the presence of Plaintiff's counsel, the investigators and the police officer that he bought the shirts from Plaintiff, showing a receipt from Plaintiff dated 2006. Mr. Paul later changed his story, stating that he purchased the counterfeit COTTON HERITAGE t-shirts from Defendant Rose Deal, Inc. after Plaintiff allegedly rejected such shirts. I observed that the white boxes containing the counterfeit COTTON HERITAGE t-shirts were basically new and did not show much wear at all.

6. While at Tip Top Tees' 10 West 28th Street location, the NYPD officer informed me that a male individual, later identified as Ghashan Ahmad, who I observed sitting on the boxes later discovered to contain the counterfeit COTTON HERITAGE t-shirts, had a recent prior conviction for criminal counterfeiting activities. Through the course of my investigation of a database, which is available to licensed and vetted private investigators, I confirmed such criminal conviction on Mr. Ahmad's record.

7. During the seizure of counterfeit COTTON HERITAGE t-shirts at Tip Top Tees' 10 West 28th Street location, Mr. Ahmad had a key which he used to open back rooms of Tip Top Tees' showroom at 10 West 28th Street. Mr. Ahmad opened these back rooms while Mr. Paul observed. While I was in these back rooms, I saw a significant amount of "COACH" branded bags, "DOLCE AND GABBANA" branded jeans, and "G-UNIT" branded shirts. A true and correct of a screenshot from a videotape of the seizure executed at 10 West 28th Street on April 17, 2008 showing such "G-UNIT" branded shirts is attached hereto as Exhibit 1.

8. Based on my experience, information and belief, the "COACH", "DOLCE AND GABBANA", and "G-UNIT" branded goods secreted in the back rooms are counterfeit goods. True and correct copies of Tip Top Tees' invoices evidencing sales of "G-UNIT" branded shirts to Tip Top Tees' customers are attached hereto as Exhibit 2.

9. Based on the forensic examination of the hard drive seized from Mr. Paul on April 17, 2008, which contained password-protected files and applications and therefore was time consuming to copy the files therein, I located an Excel file that detailed the inventory of t-shirts Mr. Paul stored at Rose Deal, Inc.'s warehouse at 40 West 29th Street. This file was last modified at 11:15 a.m. on April 17, 2008, nearly moments before the execution of the seizure order at Mr. Paul's offices at 10 West 28th Street and 1220 Broadway. A true and correct print-out of the files copied from Mr. Paul's hard drive is attached hereto as Exhibit 3.

10. Based on an Excel file entitled "40 W 29TH ST WAREHOUSE", last modified at 11:15 a.m. on April 17, 2008, it appears that over 1182 dozen white short sleeve t-shirts were stored at Rose Deal, Inc.'s 40 West 29th Street warehouse. A true and correct copy of this Excel file is attached hereto as Exhibit 4.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed on this 30th day of April.


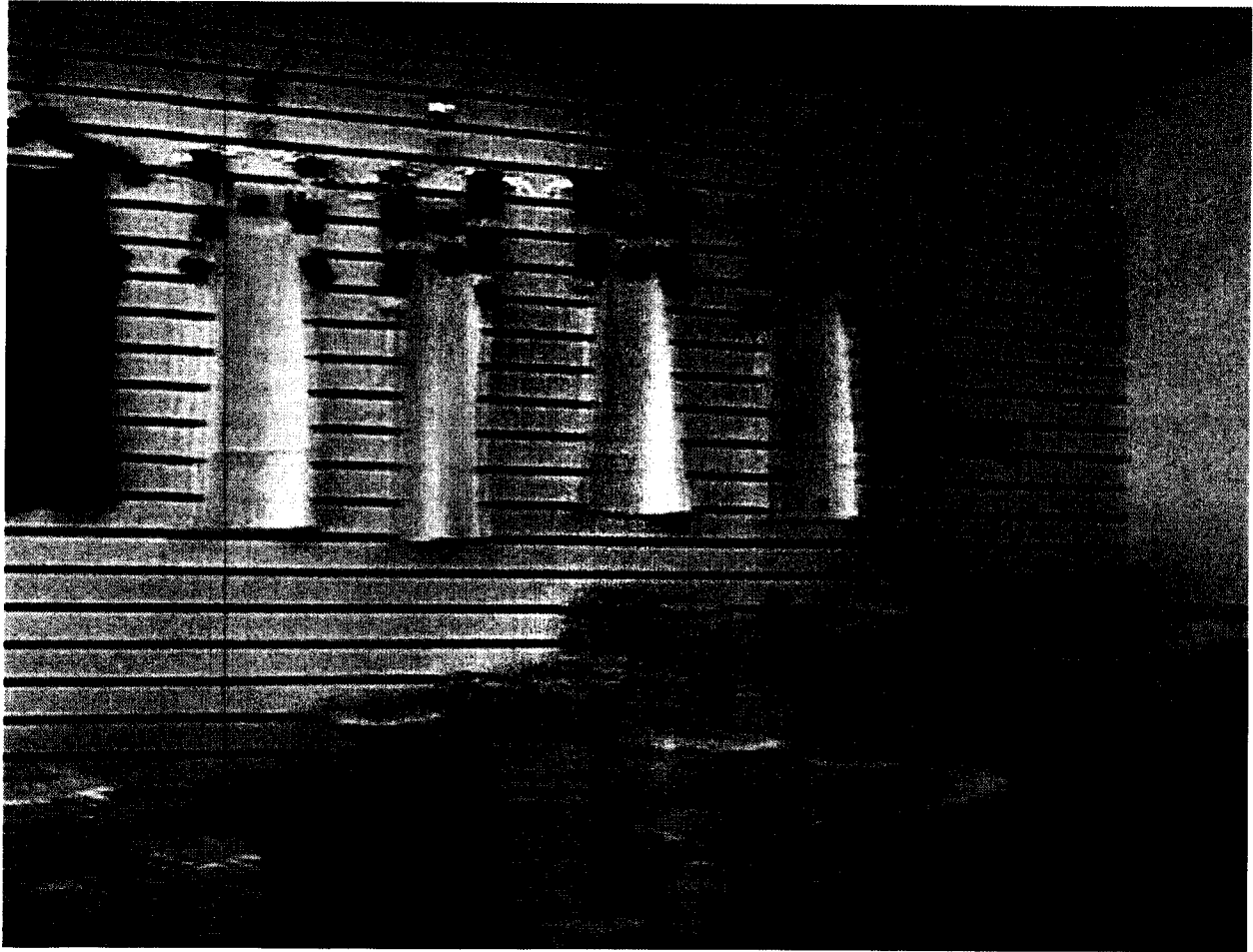

Stephen G. Ward

EXHIBIT 1



Screen capture: 00:51

EXHIBIT 2



TIP TOP TEES, INC.

Importer Exporter and Distributors
of All kind of T- Shirts White & Colors
Custom Printing also

1224

10 West 28th Street, 2nd Floor, New York, N.Y. 10001

Tel: (212) 684-2080 . Fax: (212) 684-2180

Cell: (917) 417-4822 / (917) 682-4160

1220 Broadway, Suite # 402, New York, N.Y. 10001

CUSTOMER'S ORDER NO.		PHONE		DATE <u>4/16/08</u>	
NAME <u>URBAN STYLE</u>					
ADDRESS <u>37-21 North Broadway</u>					
<u>KNOXVILLE TENNESSEE 37917</u>					
SOLD BY	CASH	COD	CHEQUE	ON ACCT	PAID OUT
QTY.	DESCRIPTION			PRICE	AMOUNT
34 M	white			20	680- m
17 M	Black			22	374- m
26 M	Color			23	598- m
602	G-UNIT			24	144- m
10 M	socks			4	40- m
402	Boxer			12	48- m
202	white Beeter			14	28- m
				TAX	
RECEIVED BY				TOTAL	1912- m

All claims and returned goods
MUST be accompanied by this bill.

Thank You

Importer Exporter and Distributors
of All kind of T- Shirts White & Colors
Custom Printing also

Custom Printing also
10 West 28th Street, 2nd Floor, New York, N.Y. 10001
Tel: (212) 684-2080 . Fax: (212) 684-2180
Cell: (917) 417-4822 / (917) 682-4160
1220 Broadway, Suite # 402, New York, N.Y. 10001

[illegible]

All claims and returned goods
MUST be accompanied by this bill.

Thank You

**TIP TOP TEES INC.**

Importer Exporter and Distributors
of All kind of T- Shirts White & Colors
Custom Printing also

1217

10 West 28th Street, 2nd Floor, New York, N.Y. 10001
Tel: (212) 684-2080 . Fax: (212) 684-2180
Cell: (917) 417-4822 / (917) 682-4160
1220 Broadway, Suite # 402, New York, N.Y. 10001

CUSTOMER'S ORDER NO.		PHONE		DATE 4/2/08	
NAME <i>Rachid</i>					
ADDRESS <i>Buffalo</i>					
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT	MOSEBYD PAID OUT
QTY.	DESCRIPTION			PRICE	AMOUNT
6 DZ	white			19	114-00
2 DZ	Black			22	44-00
8 DZ	Color			23	184-00
20 DZ	SOCKS			4	80-00
4 DZ	A-SHIRT			15	60-00
5 DZ	Boxer			12	60-00
7 DZ	G-UNIT			24	168-00
TAX					
RECEIVED BY				TOTAL	710-00

All claims and returned goods
MUST be accompanied by this bill.

Thank You

EXHIBIT 3

Y:\Recovered on Disk\My Documents

File Edit View Favorites Tools Help

Back Search Folders

Address Y:\Recovered on Disk\My Documents

Name	Size	Type	Date Modified	Location
Files Currently on the CD				
ccWin10		File Folder	4/23/2008 4:16 PM	Files Currently on the CD
Corel User Files		File Folder	4/23/2008 4:16 PM	Files Currently on the CD
glamour line		File Folder	4/23/2008 4:16 PM	Files Currently on the CD
Harysh's Music		File Folder	4/23/2008 4:16 PM	Files Currently on the CD
Harysh's Pictures		File Folder	4/23/2008 4:16 PM	Files Currently on the CD
My eBooks		File Folder	4/23/2008 4:16 PM	Files Currently on the CD
QPPriv		File Folder	4/23/2008 4:16 PM	Files Currently on the CD
11.doc	20 KB	Microsoft Word Doc...	4/9/2008 9:26 AM	Files Currently on the CD
102.doc	24 KB	Microsoft Word Doc...	2/20/2008 1:50 PM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xls	23 KB	Microsoft Excel Wor...	4/17/2008 11:15 AM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xl...	23 KB	TMP File	4/17/2008 9:13 AM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xl...	23 KB	TMP File	4/17/2008 11:14 AM	Files Currently on the CD
40W 29TH ST WAREHOUSE.xl...	23 KB	TMP File	4/15/2008 2:28 PM	Files Currently on the CD
40W 29TH.xls	15 KB	Microsoft Excel Wor...	3/3/2008 12:38 PM	Files Currently on the CD
1220 BROADWAY SUITE 402.xls	16 KB	Microsoft Excel Wor...	3/3/2008 11:34 AM	Files Currently on the CD
101012948.dot	35 KB	Microsoft Word Tem...	9/29/2006 3:35 PM	Files Currently on the CD
BABULAL.txt	1 KB	Text Document	3/28/2008 5:52 PM	Files Currently on the CD
Book1.xls	15 KB	Microsoft Excel Wor...	3/3/2008 12:38 PM	Files Currently on the CD
desktop.ini	1 KB	Configuration Settings	1/28/2008 9:19 PM	Files Currently on the CD
FROM.doc	24 KB	Microsoft Word Doc...	3/24/2008 2:01 PM	Files Currently on the CD
holidays.doc	24 KB	Microsoft Word Doc...	4/2/2008 3:42 PM	Files Currently on the CD
JITANU SERVICES INC.doc	24 KB	Microsoft Word Doc...	3/18/2008 4:19 PM	Files Currently on the CD
spider.sav	1 KB	SAV File	2/8/2008 11:05 AM	Files Currently on the CD
TIP TOP TEES WAREHOUSE.xls	16 KB	Microsoft Excel Wor...	4/5/2008 7:14 PM	Files Currently on the CD

EXHIBIT 4

	MEDIUM	LARGE	X-LARGE	2X-LARGE	3X-LARGE	4X-LARGE	5X-LARGE	6X-LARGE	TOTAL
RED	0	0	0	0	0	0	0	0	0
B-BLUE	0	0	0	0	0	18	0	12	30
BLACK	0	0	60	162	60	378	0	318	978
ROYAL	0	0	0	0	0	42	0	24	66
KHAKI	0	0	0	24	24	24	0	6	78
K-GREEN	0	0	0	0	0	0	0	0	0
CHOCOLA	0	0	66	0	0	24	30	30	150
DAISY	0	30	6	42	42	60	0	0	180
FORSEST	0	0	72	54	48	60	24	6	264
ORANGE	0	0	0	0	0	0	0	0	0

G-VEAT		MEDIUM	LARGE	X-LARGE	2X-LARGE	3X-LARGE	
	MIXSIZE						48
WHITE	WHITE						440
WHITE	RED/GR						136
WHITE	R-BLUE						104
WHITE	YELLOW						264
CORILLA							208
BLACK	RE/WH						168
WHITE	BL/ RE						328
							1648

G-VEAT		MIXSIZE	MIXCOLOR	EACH	0	TOTAL	0
7BOX							
SHORT SLEEVE T-SHIRT MIXCOLOR MIXSIZE 107DZ 0							

LADY'S DRESS					
WHITE	8BOX	EACH	4DZ	TOTAL	32DZ
BLACK	8BOX	EACH	4DZ	TOTAL	32DZ
N-BLUE		0 EACH		0 TOTAL	0

MIXCOLOR

0

SHORT SLEEVE T-SHIRT

2X-LARGE 3X-LARGE 4X-LARGE 5X-LARGE 6X-LARGE									
HOT PINK	63	0	21						84
LIGHT PIN	7			56					63
LIGHT BIUE					7				7
									154

SHORT SLEEVE T-SHIRT WHITE

SMALL MEDIUM LARGE XL-LARGE 2X-LARGE 3X-LARGE 4X-LARGE 5X-LARGE 6X-LARGE TOTAL									
WHITE	56	48	8	40	174	630	114	180	1182